

Environment Agency Permitting decisions

Bespoke Permit

We have decided to grant the permit for The Research Centre operated by Cenin Limited.

The permit number is SP3936TL

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Structure of this document

- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

Annex 1: decision checklist

This document should be read in conjunction with the Duly Making checklist, the application and supporting information and permit.

Aspect considered	Justification / Detail	Criteria met
		Yes
Consultation		
Scope of consultation	The consultation requirements were identified and implemented. The decision was taken in accordance with RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements. We consulted with: • Bridgend County Borough Council, Public Protection Department • Food Standards Agency • Health and Safety Executive • Abertawe Bro Morgannwg University, Health Board.	✓
Responses to consultation and web publicising	The web publicising and consultation responses (Annex 2) were taken into account in the decision. The decision was taken in accordance with our guidance.	✓
Operator		
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.	✓
European Directives		
Applicable Directives	All applicable European Directives have been considered in the determination of the application.	✓
The site		
Extent of the site of the facility	A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.	✓
Site condition report	The operator has provided a description of the condition of the site. We consider this description is not satisfactory. The decision was taken in accordance with our guidance on site condition reports – guidance and templates (H5). In the submitted site condition report (SCR) the operator concluded (in Section 5.4.2) that 'the site does not appear to contain any residual risk(s) of contamination". This means that when the operator comes to surrender your permit, they will need to be able to demonstrate that the site has been returned to the same condition as now, i.e. uncontaminated.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	We are not, however, sure that the site is uncontaminated. In fact in Section 5.3 of the SCR the operator referred to our R&D Technical Report P5-042/TR/05 which identifies a number of potential contaminants at airfields. But as the operator has not carried out any sampling of soil or groundwater, we cannot be sure whether this site is contaminated in any way. We therefore suggested to the operator that they refer to Section 3.0 ('Application SCR') of H5 which discusses how to approach sites which may have existing contamination. We are satisfied with the operator's response in which they consider themselves confident that, if any contaminants are found in the future, they can justify their activities have not contributed the contamination.	
Biodiversity, Heritage, Landscape and Nature Conservation	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat: • Dunraven Bay SAC • Blackmill Woodlands SAC • Glaswelltiroedd Cefn Cribwr / Cefn Cribwr Grasslands SAC • Kenfig / Cynffig SAC • Stormy Down SSSI • Penycastell SSSI We have not formally consulted on the application but we did send our Appendix 11 form to the Countryside Council for Wales for information only. The decision was taken in accordance with our guidance.	✓
Environmental Risk Assessment and operating techniques		
EIA	In determining the application we have considered the Environmental Statement.	✓
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory. We are satisfied that, although, the applicant did not complete Annex A of H1 ('Amenity and accident risks from installations and waste operations'), the information required by this guidance has been satisfactorily provided elsewhere in the application. The operator's risk assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment, all emissions may be categorised as environmentally insignificant. We are satisfied that the risk of fugitive emissions is low.	✓

Aspect considered	Justification / Detail	Criteria met Yes
	Processing takes place in fully enclosed silos. All conveyors are in a fully enclosed building designed to prevent water ingress and fugitive dust release. The building has an impermeable floor. The only point source emissions from the facility are to air via the post abatement stack, A1. The operator has provided continuous monitoring data for particulates which shows that very low concentrations ($<2\text{mg/m}^3$) of particulates are discharged from the stack. The concentrations are well below the BAT emission limit in our guidance, EPR 3.01a ('The cement industry'), of $<10\text{mg/m}^3$. The operator has also used our H1 tool to further demonstrate that the emissions of particulates are insignificant. It is the lime content of the waste fly ash used by the operator that renders the waste a hazardous waste and consequently means that this cement production process falls under the EPR Regulations. We are satisfied that the environmental risk assessment and monitoring of particulates takes lime into account and that emissions from the stack are acceptable. However as the operator receives waste fly ash from a number of sources, we did ask the operator to provide data on the composition of the fly ash used. This was so that we could assess the impact of emissions of individual substances, in addition to particulates, from the stack. We are satisfied that the range of data provided is representative of the fly ash used in the process. The operator provided data on fly ash received and analysed by themselves, and also that analysed by their suppliers prior to receipt. We used our H1 tool to assess the environmental risk of emissions of the following substances, and also compared the emissions to the emission limits set by the Waste Incineration Directive (WID): • Dioxins • Mercury and compounds • Cadmium and thallium and their compounds • Antimony, Arsenic, Chromium, Cobalt, Copper, Lead, Manganese, Nickel, and Vanadium. We considered the worst case scenario. We used the highest concentrations of each substance and assumed that the concentrations of the above substances in the received fly ash would be the same in the air discharged through the stack. We also assumed the emissions from the stack would be at the particulate emission limit set in the permit, i.e. 10mg/m^3.	

Aspect considered	Justification / Detail	Criteria met
		Yes
	Using our H1 tool, the process contributions of all of the above substances screened out as insignificant when compared to relevant Environmental Assessment Levels. In addition, the highest of concentrations of the above substances are less than the WID emission limits. We can therefore be confident that the air discharged from the stack can be categorised as environmentally insignificant.	
Operating techniques	We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. The key measures proposed by the operator relate to waste acceptance and storage, and the control and monitoring of emissions, both fugitive and via the stack. These are in line with the relevant TGNs: S5.06 ('Guidance on the Recovery and Disposal of Hazardous and Non Hazardous Waste'), EPR3.01a ('The cement industry') and EPR1.00 ('How to comply with your Environmental Permit'). The proposed techniques/ emission levels for priorities for control are in line with the benchmark levels contained in the TGNs and we consider them to represent appropriate techniques for the facility. We consider that the emission limits included in the permit reflect the BAT for the installation.	✓
The permit conditions		
Waste types	We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility. We are satisfied that the operator can accept these wastes for the following reasons. They are appropriate wastes to be used in the process being used to manufacture cement. We have included two waste types in a separate table (Table S2.2) for blending only. This is because the operator has not demonstrated that the milling of these wastes, and subsequent emissions to air via the post abatement stack, would not cause unacceptable emissions. As the operator only intends to include them at the blending stage anyway, we have therefore included them in the separate Table S2.2. The operator uses blast furnace slag in the cement manufacturing process. We accept that, in accordance with our regulatory position statement, this is not a waste and does not need to be specified in the permit.	✓
Pre-operational conditions	Based on the information in the application, we consider that we need to impose pre-operational conditions. This is because the operator is planning to include undertake production trials using the waste types specified in Table S2.2. As the trials will include milling of these wastes, we have	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	included the pre-operational condition requesting the operator to undertake a risk assessment of the emissions to air during the trials.	
Incorporating the application	We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process. These descriptions are specified in the Operating Techniques table in the permit.	✓
Emission limits	We have decided that emission limits should be set for the parameters listed in the permit. The following substances have been identified as being emitted in significant quantities and ELVs and technical measures based on BAT have been set for those substances. The only substance identified is particulates. We have set the ELV at 10mg/m³, in line with the limit given in EPR3.01a for non kiln sources. In reality the operator has adequate technical measures (i.e. a bag filter) in place to ensure that this limit is never reached.	✓
Monitoring	We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified. These monitoring requirements have been imposed in order to demonstrate that the bag filter is working effectively to prevent significant emissions to air from the facility. We made these decisions in accordance with SGN 5.06, EPR3.01a and EPR1.00. Based on the information in the application we are satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.	✓
Reporting	We have specified reporting in the permit. The reasons for the reporting frequencies specified are that they are line with the frequencies we specify for emissions of particulates from other regulated facilities. We do not expect the emissions of particulate to vary greatly and are therefore satisfied that reporting every 12 months is sufficient. We have requested reporting of maximum, minimum and mean values for particulates. This will provide a greater understanding of the variability of process emissions. We made these decisions in accordance with SGN 5.06, EPR3.01a and EPR1.00.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Operator Competence		
Environment Management System	There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓
Relevant Convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found.	✓
Financial provision	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓

Key Issues of the decision

The operator uses waste paper sludge ash (PSA) in the cement manufacturing process. The regulation of this waste is currently being considered by the Waste Protocols Project (Environment Agency and Waste & Resources Action Programme (WRAP)).

WRAP have already produced a technical report on the production and use of PSA. This recommends the production of a Quality Protocol which would identify when PSA may be regarded as a non-waste product that could be reused without the need for an environmental permit.

A final decision is yet to be made by us and the European commission, under the Technical Standards and Regulations Directive 98/34/EC, on whether a Quality Protocol can be produced for PSA.

In the interim we have a regulatory position statement ('The regulation of materials being considered by the Waste Protocols Project', MWRP RPS 017, issued November 2009) (RPS). Our RPS recognises that although PSA remains a waste, it may not be appropriate for us to take enforcement action if an operator does not obtain an environmental permit for that final use of waste.

We have considered our RPS in relation to the process that Cenin Limited are undertaking using waste PSA. Cement manufacture is listed as a final use for PSA in Annex 1 of the RPS. Page 3 of the RPS states that 'if you require a permit for the listed final use of the processed waste but you do not yet have one, we will not normally require you to have one provided ... the waste is not mixed with other wastes ... the waste is only mixed with non-wastes that improves its use or application'. The process that Cenin Ltd use involves the mixing of PSA with other fly ash wastes and not in a way that improves the use or application of the PSA.

This is why we have determined the application from Cenin Limited.

Annex 2: Consultation and web publicising responses

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process.

Response received from
Food Standards Agency (FSA)
Brief summary of issues raised
The FSA expected reference to dioxins, as the operator is handling fly ash from incineration. We were also asked where the waste analysis, that the operator referred to in the application, could be found.
Summary of actions taken or show how this has been covered
We asked the operator to provide analysis of the waste fly ash that they use, as it was not included in the application. The analysis included the concentration of dioxins in the waste. We used our H1 tool and calculations to compare the emissions of dioxins to emission limits set in the WID. Both methods enabled us to demonstrate to the FSA that the facility does not represent an environmental risk with respect to dioxins. We have offered to provide the waste analysis data, as provided by the operator, to the FSA. We have confirmed with the FSA that we are satisfied that emissions of particular substances (as identified in the WID) in the fly ash can be categorised as environmentally insignificant.